



WISCONSIN REGULATORY DIGEST

A Publication of the CHIROPRACTIC EXAMINING BOARD

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New Caregiver Law

On October 1, 1998, a new Wisconsin law went into effect which provides new and stringent checks of the backgrounds of persons who provide care for others or have access to persons receiving care.

Beginning on October 1, 1998, the state of Wisconsin mandated that background checks will be required for all persons who seek to be employed in the caregiving industry and for all persons who want to obtain or renew a license to provide care. By October 1, 1999, all existing employees/contractors and license holders must have fulfilled the caregiver background check requirements.

A completed background check as prescribed under Wisconsin's law includes:

- * A completed self-disclosure Background Information Disclosure form;
- * An electronic status check of professional licenses and credentials through the Department of Regulation and Licensing;
- * An electronic criminal history search from the Wisconsin Department of Justice;
- * An electronic review of records kept by the Department of Health and Family Services for any substantiated findings of abuse or neglect and license restrictions or denials.

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Based on the information obtained, additional research may include an out-of-state criminal history search, a tribal court criminal history search, a check of relevant military records or a check of county or other local records.

Once the background research is complete, employers and government agencies are

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expected to act according to the requirements of the new law coupled with prudent business practices. These new background checks will be used by the state in making employment and licensing decisions since various studies have shown predictable patterns of abuse, neglect and misappropriation. Therefore, a background which includes specific crimes and offenses will effectively exclude individuals from certain employment or prohibit them from obtaining a license to practice certain professions.

Those who wish to obtain more detailed information regarding the new law may do so through accessing the following web site: "www.dhfs.state.wi.us" and click on "News & Initiatives."

Continuing Education Courses

By: James L. Greenwald, D.C.

It has come to the attention of the Board of Examiners that there are a small percentage of doctors that have taken continued education courses that have not been approved by the Board. In some cases, they assumed they were approved. In other cases, the sponsor failed to submit the seminars for approval during the prescribed time.

Requirements for continuing education are contained in chapter Chir 5 of the board's administrative rules.

At the present time, all courses approved must improve your clinical ability or relate to improving your clinical ability. All seminars must be submitted 75 days prior to the time presented. This requirement is at sec. Chir. 5.02(4)(a)2. At the December Board meeting, there were several January, 1999 seminars that were not approved because of the 75 day window.

Please keep in mind also that some parts of these seminars may not be approved because the material does not fall within the guidelines.

One specific area about which the board has received calls is homeopathy. Because the use of homeopathic preparations is not allowed in

chiropractic in Wisconsin, continuing education in that subject will not be approved. The calls prompt me to remind practitioners that homeopathy would be outside the scope of practice of chiropractic, and that malpractice insurance would likely not cover you.

If you have other questions about continuing education, contact the Department of Regulation and Licensing.

Because the board continues to handle a number of inquiries regarding advertising, the portion of section Chir 6.02 of the Wisconsin Administrative Code which covers advertising by chiropractors is reprinted below.

(15) Advertising in a manner which is false, deceptive or misleading. An advertisement which does any of the following is false, deceptive or misleading:

- (a) Contains a misrepresentation of fact.
- (b) Is likely to mislead or deceive because of a failure to disclose material facts.
- (c) Is intended to or is likely to create false or unjustified expectations of favorable results.
- (d) Fails to prominently disclose complete details of all variables and material factors relating to any advertised fee.
- (e) Contains any representation or implication that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.
- (f) Includes reference to or implied specialization or advanced training unless all of the following are true:

1. The specialty is recognized by a council of the American chiropractic association or the international chiropractors association.

2. The specialty requires at least 300 hours of postgraduate credit hours and

passage of a written examination approved by the American chiropractic association or the international chiropractors association.

3. The title applied to the specialty by the chiropractor is the title applied by the American chiropractic association or the international chiropractors association.

(g) Includes reference to or implies advanced training unless all of the following are true:

1. The postgraduate training was received in one, unified program approved by the American Chiropractic Association or the International Chiropractors Association, or through one, unified program at a college accredited by the council on chiropractic education and approved by the board.

2. The chiropractor has completed at least 100 hours of postgraduate training in the area in which the chiropractor claims advanced training.

3. The postgraduate training program includes successful completion of a written examination as a requirement for successful completion of the training program.

(h) Appears in any classified directory, listing or other compendium under a heading, which when considered together with the advertisement, has the capacity or tendency to be deceptive or misleading with regard to the profession or professional status of the chiropractor.

(i) Implies that the chiropractic services provided will result in emotional or spiritual benefits.

NBCE Updates U.S. Job Analysis of Chiropractic

The National Board of Chiropractic Examiners, (NBCE) is currently in the process of updating its U.S. Job Analysis of Chiropractic.

The updated version of the Job Analysis of Chiropractic will provide a basis for assessing and possibly restructuring NBCE examinations

based on its documentation of chiropractic practice.

This new survey instrument has been developed, and distributed to over 9,600 chiropractic practitioners in the U.S. It was planned that by the end of 1998, the Job Analysis update would be in the data analysis phase.

PUBLIC HEARING

May 20, 1999

10:00 a.m. Rm 179A

at Department of Regulation and Licensing

1400 E. Washington Ave.

Madison, WI 53703

re: Proposed changes to Chir 4.03 and creation of Chir 6.03.

***Material explaining the proposal is available on the internet (under what's new)**

www.state.wi.us/agencies/drl/

Disciplinary Actions

EDWARD A. KURES, III, D.C.

WATERLOO WI

SUSPENDED AT LEAST ONE YEAR

Engaged in sexual contact, gratification, or other sexual behavior with a patient. Effective 10/22/98. Chir 6.02(7). Case #LS9810224CHI.

LEIF C. HELLING, D.C.

BLOOMINGTON MN

SUSPENDED AT LEAST TWO YEARS

Dr. Helling engaged in sexual contact with two female patients, while they were his patients. He began a sexual relationship which included sexual intercourse with one of the patients. This patient moved in with him in September of 1997. They resided together until November of 1997, and their relationship resulted in the birth of a child. He began dating the second patient and they engaged in sexual intercourse. Effective 7/23/98. Chir 6.02(7). Case #LS9807235CHI.

Department of Regulation and Licensing
Chiropractic Examining Board
P.O. Box 8935
Madison, WI 53708-8935

REGULATORY DIGEST

Bulk Rate
U.S. Postage
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Madison, WI
Permit No. 1369

RETURN SERVICE REQUESTED

Telephones

Automated Phone System for Chiropractic, Acupuncture, Massage Therapists/Bodyworkers, Music Art & Dance Therapists, Marriage & Family Therapists, Nursing, Optometry, Professional Counselors, Psychology, & Social Workers: (608) 266-0145.

Press 1, then 4	Application Requests for Credentials & Continuing Education
Press 2	Information on Status of Pending Applications
Press 3	Information on Renewal, Verifications, Letters of Good Standing & Name or Address Changes.
Press 4	Complaint Filing Information
Press 5	Application Questions
Press 6	Repeat Menu Choices

Fax # (608) 261-7083

To request a license application for your profession, just dial (608) 266-0145, then enter the Quick Keys number below for the profession that you want:

Application to register for examination	Press 1-5
Continuing Education Information/Application	Press 1-5-1
Chiropractic Endorsement	Press 1-5-3
Temporary Permit Application	Press 1-5-4

Verifications

All requests for verification of license status must be in writing. There is no charge for this service.

Endorsements

Requests for endorsements to other states must be in writing. The cost is \$10. Please make check or money order payable to the Department of Regulation and Licensing.

Visit the Department's Web Site

<http://badger.state.wi.us/agencies/drl/>
Send comments to dorl@mail.state.wi.us

1999 Meeting Dates

April 15; May 20; June 24; July 22; September 2; October 21; November 18; December 16.

Digests on Web Site

Complete copies of the September, 1997 and September, 1998, Regulatory Digests are on the Web.

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Wisconsin Statutes and Code

Copies of the Chiropractic Statutes and Administrative Code can be ordered through the Board Office. Include your name, address, county and a check payable to the Department of Regulation and Licensing in the amount of \$5.28. The latest edition is dated December, 1998.

Change of Name or Address?

Please photocopy the mailing label of this digest, make changes in name or address, and return it to the Department. Confirmation of changes is not automatically provided.

WIS. STATS. S. 440.11 ALLOWS FOR A \$50 PENALTY TO BE IMPOSED WHEN CHANGES ARE NOT REPORTED WITHIN 30 DAYS.

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